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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,533	01/16/2004	Yuh-Chin Chang	26197/169128	5609
38598	7590	07/24/2007	EXAMINER	
ANDREWS KURTH LLP			NEWAY, SAMUEL G	
1350 I STREET, N.W.				
SUITE 1100			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			2626	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/758,533	CHANG ET AL.
	Examiner	Art Unit
	Samuel G. Neway	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This is responsive to the Application filed on 16 January 2004.

Claim Objections

2. Claims 1 – 3 are objected to because of the following informalities: they recite a "sys clock" which is an abbreviation of 'system clock'. The abbreviations should be replaced by their full spelling.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Finotello et al (USPN 5,661,728).

Claim 1:

Finotello discloses a variable frequency decoding apparatus (Abstract) for efficient power management in a portable audio device (intended use), comprising:
a decoder which simultaneously outputs audio information including a bit rate and a sampling frequency of a data frame to a clock generator when audio compressed data is received (col.6, lines 33-37),

wherein the clock generator has an input connected to the decoder for receiving the audio information, such that an operation frequency of the sys clock can be changed to match the sampling frequency and the bit rate of the data frame for decoding with optimal performance (col. 7, lines 56-59).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finotello et al (USPN 5,661,728) in view of Microsoft Computer Dictionary (Fifth Edition, 2002, page319).

Claim 2:

Finotello discloses the variable frequency decoding apparatus as claimed in claim 1, wherein the clock generator includes:

a list of predetermined frequencies corresponding to different bit rates and sampling frequencies used to encode audio data, such that an appropriate sys clock can be simultaneously generated after comparing the audio information, which is used by the decoder in decoding the audio compressed data (col. 7, lines 52-56);

and a clock circuit which is used to generate the required sys clock with predetermined frequency, to be used by the decoder (col. 7, lines 56-59).

However, Finotello does not explicitly disclose a lookup table as claimed in the instant claim.

Lookup tables and lookup functions are old and well known in the computing arts as evidenced by Microsoft Computer Dictionary which defines lookup tables as tools for retrieving data corresponding to a given argument.

It would have been obvious to one with ordinary skill in the art at the time of the invention to use lookup table in order to store and retrieve a list of predetermined frequencies along with their corresponding bit rates and sampling frequencies because lookup tables are well known and simple data storage and retrieval tools.

Claim 3:

Finotello and Microsoft Computer Dictionary disclose the variable frequency decoding apparatus as claimed in claim 2, Finotello further discloses wherein the clock circuit in the clock generator has two outputs respectively for a first and a second clock, and the two outputs of the first and second clock are selectively connected to the sys clock input of the decoder and controlled by a switching circuit, through which the sys clock is passed to the decoder for improved efficiency (col. 7, lines 56-59).

Claim 4:

Finotello and Microsoft Computer Dictionary disclose the variable frequency decoding apparatus as claimed in claim 3, the switching circuit is capable of preventing electromagnetic interference in the form of glitches (col. 7, lines 56-59. Note that the fact that the switching circuit is capable of preventing interference is a result of the switching circuit structure and therefore does not further limit the scope of the claim).

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Claim 5:

Finotello and Microsoft Computer Dictionary disclose the variable frequency decoding apparatus as claimed in claim 2, Finotello further discloses wherein the look-up table in the clock generator may be embedded in a microprocessor (col. 5, lines 19-23).

Claim 6:

Finotello and Microsoft Computer Dictionary disclose the variable frequency decoding apparatus as claimed in claim 2, Finotello further discloses wherein the look-up table in the clock generator may be embedded in a microprocessor (col. 5, lines 19-23).

Claim 7:

Finotello and Microsoft Computer Dictionary disclose the variable frequency decoding apparatus as claimed in claim 2, Finotello further discloses wherein the look-up table in the clock generator may be embedded in a microprocessor (col. 5, lines 19-23).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Blois et al (USPN 6,002,728) discloses a digital radio system including apparatus for providing sync detection to allow synchronization and tracking of the transmitted digital signals.

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b. Miyagoshi et al (USPN 5,604,499) discloses a variable-length decoder using a look-up table.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SN

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[Signature]
DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600